International Seabed Authority ISBA/21/A/L.2

Assembly

Distr.: General
23 July 2015

Original: English

Twenty-first session
Kingston, Jamaica
13-24 July 2015

Draft decision of the Assembly regarding the first periodic review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea

The Assembly of the International Seabed Authority,

Recalling that article 154 of the United Nations Convention on the Law of the Sea (the Convention) provides:

> *"Every five years from the entry into force of this Convention, the Assembly shall undertake a general and systematic review of the manner in which the international regime of the Area established in this Convention has operated in practice. In the light of this review the Assembly may take, or recommend that other organs take, measures in accordance with the provisions and procedures of this Part and the Annexes relating thereto which will lead to the improvement of the operation of the regime."*

Having duly considered the note by the Secretary-General,[1]

Decides to undertake, pursuant to article 154 of the Convention, a general and systematic review of the manner in which the international regime of the Area has operated in practice;

Also decides that such a review shall be carried out under the oversight of a review committee comprising the President and the Bureau of the Assembly, the President of the Council, with the current President of the Assembly remaining a member of the Committee until the completion of the review;

Further decides that the review shall be conducted by consultants appointed by the review committee, based on a short list of qualified consultants prepared by the Secretary-General according to the established procurement procedures of the Authority;

Decides that the review committee shall meet with the consultants and decide on the scope of the report prior to its drafting. The Committee shall thereafter monitor the progress of work and present an interim report, including comments by

[1] ISBA/21/A/4.

15-12466 (E) 230715

Please recycle

the secretariat and the Legal and Technical Commission, for consideration by the Assembly at its twenty-second session in 2016;

Also decides that the final report, including any draft recommendations designed to improve the operation of the regime, shall be presented by the review committee to the Assembly at its twenty-third session;

Further decides that the terms of reference for the review shall be those contained in the annex to the present document;

Requests the Secretary-General to provide the necessary and appropriate administrative and logistical support to the review committee and to circulate copies of the final report to all member States of the Authority at least three months in advance of the twenty-third session.

Annex

Terms of reference for the first periodic review of the international regime for the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea

1. The International Seabed Authority is an autonomous international organization established under the United Nations Convention on the Law of the Sea (the Convention) and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (the 1994 Agreement). The Authority is the organization through which States parties to the Convention are required, in accordance with the Convention, to organize and control activities in the Area, particularly with a view to administering the resources of the Area.

2. Under article 154 of the Convention, the Assembly of the Authority is required, every five years from the date of entry into force of the Convention, to undertake a general and systematic review of the manner in which the international regime of the Area established in the Convention has operated in practice. The purpose of article 154 is to allow the Assembly to take, or recommend that other organs take, measures, in the light of experience and the changing circumstances of the Authority's existence, that will lead to the improvement of the operation of the regime.

3. The Assembly intends to conduct a periodic review under article 154 at its twenty-third session in 2017. A comprehensive report is to be prepared according to the following terms of reference.

4. The report shall review the manner in which the various organs and subsidiary organs of the Authority have operated in practice, and whether they have effectively performed the functions stipulated in paragraph 5 of section 1 of the annex to the 1994 Agreement. In particular, the report shall:

(a) Review the level of representation and attendance of members of the Authority at its regular annual sessions;

(b) Analyse the performance of the Assembly as the supreme organ of the Authority in establishing general policies and in the exercise of its additional powers and functions pursuant to article 160, paragraph 2, of the Convention;

(c) Analyse the performance of the Council as the executive organ of the Authority in establishing specific policies to be pursued by the Authority on any question or matter within the competence of the Authority and in the exercise of its additional powers and functions pursuant to article 162, paragraph 2, of the Convention;

(d) Review the structure of and performance by the secretariat of its functions as referred to in subsection D of section 4 of Part XI of the Convention, including those under paragraph 5 of section 1 of the annex to the 1994 Agreement;

(e) Review the performance, level of representation and attendance of members of the subsidiary organs of the Authority, analyse their current and projected workload and identify measures that may lead to an improvement of their operations.